

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

GARY NORMAN COOPER	§	
v.	§	CIVIL ACTION NO. 9:10CV126
DR. DAO HUNG, ET AL.	§	

ORDER

The Plaintiff in this civil rights lawsuit has filed a motion for appointment of counsel. The Fifth Circuit has held that civil rights plaintiffs have no automatic right to appointment of counsel unless the case presents exceptional circumstances. Ulmer v. Chancellor, 691 F.2d 209, 212 (5th Cir. 1982). Such circumstances include: (1) the type and complexity of the case; (2) the plaintiff's inability to present his case; (3) the plaintiff's inability to investigate his case; and (4) whether the evidence will consist in large part of conflicting testimony so as to require skill in the presentation of evidence and in cross-examination. Ulmer, 691 F.2d at 213.

The Plaintiff has made no showing at this time that such circumstances exist in his case. It is accordingly

ORDERED that the Plaintiff's motion for appointment of counsel (docket no. 50) is hereby DENIED at this time.

So **ORDERED** and **SIGNED** this **9** day of **November, 2012**.

  
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JUDITH K. GUTHRIE  
UNITED STATES MAGISTRATE JUDGE